

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SLOANE HAROLD HEATH,

Defendant.

CR 14-45-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 15, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge Lynch recommended this Court accept Sloane Harold Heath’s guilty plea after Heath appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered a plea of guilty to one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) as set forth in the Superseding Information. Defendant further admits to the forfeiture allegations in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment previously filed in this matter. And the parties agree that the appropriate sentence in this matter would be 40 months imprisonment, followed by 10 years of supervised release and a fine of \$2,000, and they will ask the Court to impose the same.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 28), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Sloane Harold Heath's motion to change plea (Doc. 17) is GRANTED and Sloane Harold Heath is adjudged guilty of the offense charged in the Superseding Information.

DATED this 4th day of May, 2015.


Dana L. Christensen, Chief District Judge
United States District Court